

Murphy-Sharkey Ex. E

MIDLAND FUNDING LLC,
A/P/O BANK OF AMERICA,

Plaintiff,

AFFIDAVIT OF FACTS

-VS-

THOMAS SHARKEY,

Defendant(s).

Kayla Haag, whose business address is 16 Mclelland Road Suite 101, St. Cloud, MN 56303, certifies and says the following statement in support of Plaintiff's Application for Default Judgment:

1. I am employed as a Legal Specialist and have access to pertinent account records for Midland Credit Management, Inc. ("MCM"), servicer of this account on behalf of plaintiff. I am a competent person over eighteen years of age, and make the statements herein based upon personal knowledge of those account records maintained on plaintiff's behalf. Plaintiff is the current owner of, and/or successor to, the obligation sued upon, and was assigned all the rights, title and interest to defendant's BANK OF AMERICA account 4888936041731898 (MCM Number 8539329336) (hereinafter "the account"). I have access to and have reviewed the records pertaining to the account and am authorized to make this affidavit on plaintiff's behalf.
2. Upon information and belief, this action is based upon a revolving credit agreement entered into between defendant(s) and the original credit grantor. Upon information and belief, pursuant to the agreement, defendant(s) agreed to pay monthly installments to the original credit grantor for all goods and/or services and/or cash advances. Upon information and belief, defendant(s) used or authorized the use of the credit card account to obtain loans from the original credit grantor for the purpose of obtaining goods and/or services and/or cash advances but failed to make the payments due pursuant to the agreement.
3. The account shows that the defendant(s) owed a balance of \$6959.54 as of 2011-05-29.

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4. Based upon my review of MCM's business records: 1) defendant(s) opened the account with BANK OF AMERICA on 2006-03-10; 2) the last payment posted to the account on 2009-03-23; and 3) the account was charged off on 2009-04-30.

5. It is in the regular course of business of plaintiff's agents and/or its attorneys for demand to be made for payment of the balance herein more than 30 days prior to making this affidavit; defendant(s) failed to make full payment of the amount owed on the account; and the attorneys representing plaintiff were retained for the purpose of collecting the delinquent debt owed on the account set out above.

6. Upon information and belief, this affidavit is executed for the purpose of enabling plaintiff to obtain a default judgment against the defendant herein for defendant's failure to answer or otherwise defend as to plaintiff's complaint.

AFFIDAVIT OF FACTS - 2



CONFIDENTIAL

I certify under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge.

Date FEB 14 2012


Kayla Haag

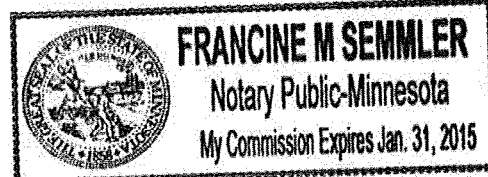
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The foregoing instrument was acknowledged before me on this 14 day of February, 2012, by Kayla Haag, a Legal Specialist of Midland Credit Management, Inc., a corporation under the laws of the State of Minnesota on behalf of the corporation.

Subscribed and sworn to before me this 14
day of February, 2022.

Notarial Stamp or Seal (or other Title or Rank):


Signature of Notary Public or Other Official



NY61
Forster & Garbus

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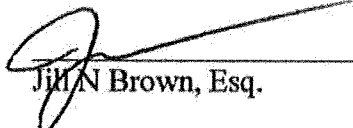


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CERTIFICATE OF CONFORMITY

I, Jill N Brown, an attorney-at-law of the State of Minnesota who resides in the State of Minnesota and is fully acquainted with the laws of the State of Minnesota pertaining to the acknowledgment or proof of deeds of real property to be recorded therein, do hereby certify that I am duly qualified to make this certificate of conformity pursuant to Section 299-a of the Real Property Law of the State of New York and hereby certify that the acknowledgment or proof upon the foregoing document was taken by Francine M. Semmler, a notary public in the State of Minnesota, in the manner prescribed by the laws of the State of Minnesota and conforms to the laws thereof in all respects.

IN WITNESS WHEREOF, I have hereunto set my signature, this 14 day of February, 2012.



Jill N Brown, Esq.
Attorney at Law, ID# 278117
State of Minnesota